IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 343355-600020

Group Art Unit:	2186	
Examiner:	P. Bataille	
Inventor(s):	Mebane III	
Serial No.:	10/074,984	**PRE-APPEAL BRIEF CONFERENCE REQUEST**
Filed:	February 13, 2002	
For:	Computer-Implemented Data Messaging Ring	

CERTIFICATE OF MAILING

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By _____

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Assignee hereby requests review of the Final Rejection of the above-captioned application prior to filing an appeal brief for the reasons set forth below. The Assignee submits that the Final Rejection is based upon clear errors.

REASONS FOR PRE-APPEAL CONFERENCE REQUEST

PROSECUTION SUMMARY

Claims 1-49 stand rejected by the Examiner. More specifically, independent claims 1, 24 and 49 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Rudland et al. (U.S. Patent No. 2002/0062417).

The Assignee traversed these rejections in a Responsive Amendment dated July 27, 2004. Assignee demonstrated that the Rudland reference does not disclose that a module operating as a proxy on the first machine is responsible for messages involving another module operating on the (***same***) first machine, as required in the independent claims.

In the Final Office Action dated August 11, 2005, the Examiner found these arguments unpersuasive. Assignee respectfully submits that the Examiner's positions exhibit clear error. Accordingly, Assignee has filed this paper with the United States Patent Office.

IN CLEAR ERROR, THE PENDING CLAIMS ARE PATENTABLE OVER THE RUDLAND REFERENCE

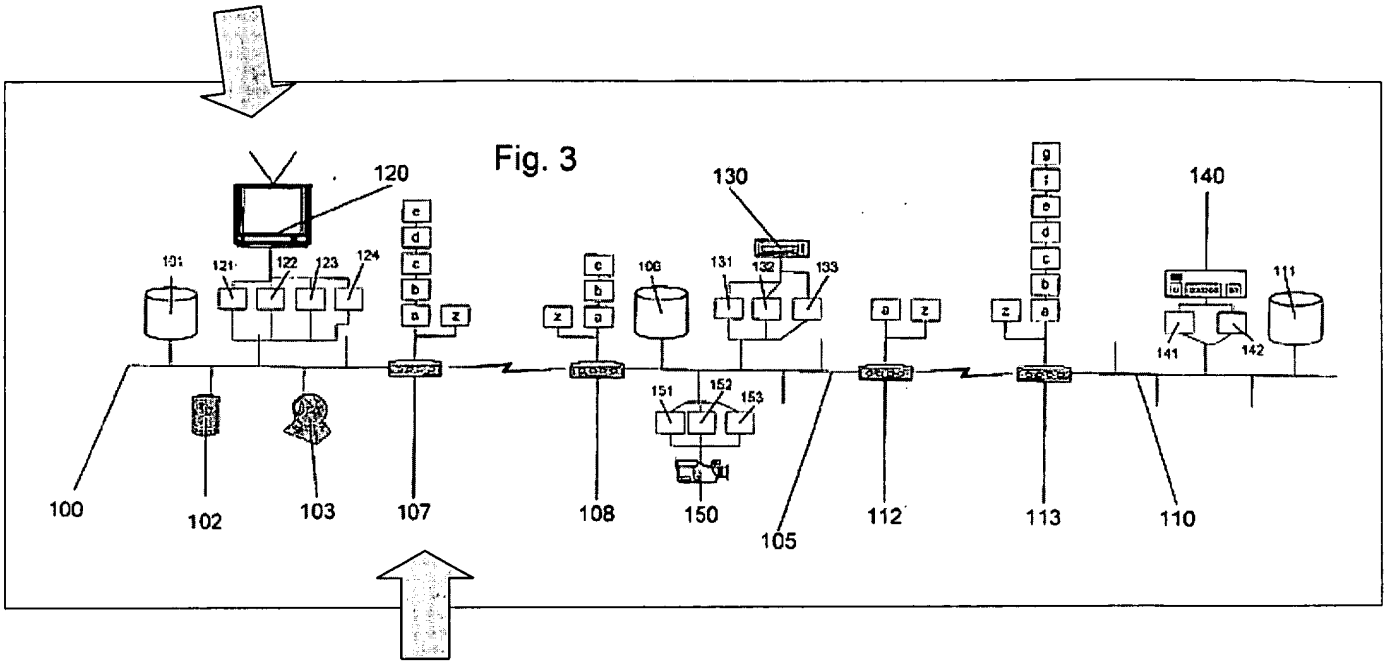
Claim 1 recites that, within a computer-implemented system, a module operating on a first machine assumes the role of a proxy. The proxy is then responsible for messages involving another module operating on the first machine – that is, the proxy handles messages for modules that are operating on the ***same*** machine as the proxy. Similarly, claim 1 further recites that other modules operate on a second machine wherein one of those modules assumes the role of a proxy. The proxy operating on the second machine handles messages for the other modules operating on the ***same*** machine (i.e., on the second machine).

The Office Action maintains that the Rudland reference (US 2002/0062417) anticipates claim 1. The Rudland reference discloses a bridging system for interoperation of remote groups

of devices. In Rudland, a first gateway is operative to communicate details of available devices on its respective bus to another gateway; the other gateway is operative to generate at least one proxy element corresponding to each of the available devices (see Abstract of the Rudland reference). The generated proxy elements reside on the gateway device and handle messages for software functional control modules (FCMs) that operate on ***different*** devices. This is illustrated in paragraph 35 of the Rudland reference:

> [G]ateway devices in the present invention are implemented to generate and offer proxy FCMs to devices in the cluster in which they reside. The proxy FCMs correspond to FCMs of devices available in the cluster in which the gateway communicates with. For example, the intelligent TV 120 would be offered proxy FCMs 107a-107e enabling control of the VCR 130 and camcorder 150 in another room and the central heating system 140 of the house. The proxy FCMs correspond to real FCMs 151, 152, 131, 132 and 141 respectively. Proxy FCMs operate primarily as message forwarders, receiving messages addressed to the device that they are representing and repeating the same message verbatim to the opposite bus via the corresponding gateway device. In the above example, the VCR 130 and camcorder 150 will have proxy FCMs in gateway devices 107 and 113 whilst the central heating system 140 will have proxy FCMs in gateway devices 112 and 107.

Figure 3 of Rudland depicts this configuration of proxies (e.g., 107a-107e) residing on gateway device 107 which handle messaging for software FCMs residing on ***different*** devices (e.g., intelligent TV 120).



As the arrows (which have been added as annotations) point out, the proxies (e.g., 107a-107e) operate on ***different*** machines than the modules for which they are to act as proxies. Accordingly, this configuration of Rudland is significantly different than what is recited in claim 1 – that is, claim 1 requires that the module operating as a proxy on the first machine is responsible for messages involving another module that is also operating on the first machine (i.e., on the ***same*** machine). Because the Rudland reference does not disclose such limitations of claim 1, claim 1 as well as its dependent claims are allowable.

Claims 24 and 49 recite modules operating on a first machine wherein one of the modules assumes the role of a proxy. The proxy is responsible for messages involving another module operating on the first machine. Because the Rudland reference does not disclose such limitations of claims 24 and 49, claims 24 and 49 as well as their respective dependent claims are allowable.

Applicant disagrees with other positions. For example, claim 10 recites a proxy election scheme. The proxy election scheme of claim 10 is significantly different than what is disclosed in the Daniels-Barnes reference whether considered alone or in combination with the Rudland reference. As an illustration, claim 10 recites a proxy election scheme wherein only a single

proxy is elected for a group of modules. The modules elect only a single proxy and does not have to rely upon a primary and secondary proxy election scheme as disclosed in the Daniels-Barnes reference and/or Rudland reference. Because the cited references do not disclose such limitations of claim 10, claim 10 is allowable.

Lastly, Assignee disagrees with the following statement in the Final Office Action: "It was agreed that the claims as recited do not feature the intended meaning, ***as any module in Rudland (US 2002/0062417) acts as a proxy responsible for passing and receiving messages from other modules*** (See note on examiner's interview summary mailed August 31, 2004[)]." (Emphasis in the original). Assignee notes that this point was in contention and the amendments that the Assignee subsequently submitted sought to clarify aspects of the claim, such as to recite that the proxy handles messages for modules that operate on the ***same*** machine as the proxy.

For the above reasons, Assignee respectfully submits that the pending claims are allowable, and requests the withdrawal of the rejections.

Respectfully submitted,

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